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Attorneys for Defendant  
HOMECOMINGS FINANCIAL, LLC  
f/k/a HOMECOMINGS FINANCIAL  
NETWORK, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DOUG PEARSON, an individual, on behalf of )	CASE NO. 08 CV 0515 H (NLS)
himself, and on behalf of all persons similarly )	
situated, )	<b>DECLARATION OF SIMON</b>
Plaintiff, )	<b>FLEISCHMANN IN SUPPORT OF</b>
vs. )	<b>DEFENDANT'S EX PARTE MOTION FOR</b>
HOMECOMINGS FINANCIAL LLC, formerly )	<b>EXTENSION OF TIME TO RESPOND TO</b>
known as HOMECOMINGS FINANCIAL )	<b>PLAINTIFF'S FIRST AMENDED</b>
NETWORK, INC.; and DOES 1 through 100, )	<b>COMPLAINT</b>
Inclusive, )	<b>[Filed concurrently with Notice of Ex Parte</b>
Defendants. )	<b>Motion and Ex Parte Motion; Memorandum</b>
	<b>of Points and Authorities; [Proposed] Order</b>
	<b>e-mailed directly to the Court]</b>
	<b>Hon. Marilyn L. Huff</b>
	<b>Courtroom 13</b>

I, Simon Fleischmann, declare as follows:

1. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and have been admitted to appear *pro hac vice* before this Honorable United States District Court for the Southern District of California in this specific case. I am an associate at the Chicago

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1 office of the law firm of Locke Lord Bissell & Liddell LLP, which serves as counsel for Defendant  
2 Homecomings Financial, LLC *f/k/a* Homecomings Financial Network, Inc. (“Defendant”), and am  
3 personally familiar with the matters set forth in this declaration. If called as a witness and placed  
4 under oath, I could and would testify truthfully and competently thereto.

5 2. On Monday, July 7, 2008, I called Norman Blumenthal, counsel for Plaintiff Doug  
6 Pearson (“Plaintiff”), and left a voicemail requesting a thirty (30) day extension of time for  
7 Defendant to respond to Plaintiff’s First Amended Complaint (“FAC”).

8 3. Receiving no response to my voicemail of July 7, 2008, I called Plaintiff’s counsel  
9 again on Tuesday, July 8, 2008 and left another voicemail repeating my earlier request for his  
10 agreement to a thirty (30) day extension, and advising that if counsel did not return my call by the  
11 end of that same day, my firm would be filing an ex parte application with the Court requesting said  
12 thirty (30) day extension.

13 4. As of 5:00 p.m. CST, I had not received any response from Plaintiff’s counsel to my  
14 request for a thirty (30) day extension.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing  
16 is true and correct.

17 Executed on this 8th day of July, 2008, in Chicago, Illinois.

18  
19 s/Simon Fleischmann

20 SIMON FLEISCHMANN  
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